

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF ALMATY, KAZAKHSTAN, and BTA)
BANK JSC,)

Plaintiffs,)

v.)

MUKHTAR ABLYAZOV, ILYAS)
KHRAPUNOV, VIKTOR KHRAPUNOV and)
TRIADOU SPV S.A.,)

Defendants.)

No. 15-cv-05345(AJN)(KHP)

**DECLARATION OF
ANDREW T. SOLOMON**

Andrew T. Solomon, pursuant to 28 U.S.C. 1746 declares:

1. I am an attorney admitted to practice before this Court and a partner at Solomon & Cramer LLP, counsel for defendants Viktor Khrapunov and Ilyas Khrapunov (together, the “Khrapunovs”) in this action. I make this declaration, based on personal knowledge and my review of documents filed or produced in this lawsuit, in support of the Khrapunov’s motion for sanctions against the Kazakh Entities.

2. Attached hereto as Exhibit A is a true copy of the Confidential Assistance Agreement between Litco LLC (“Litco”) and Arcanum (Asia) Limited (“Arcanum”), dated June 12, 2015 and previously marked at the deposition of Felix Sater as Exhibit 26.

3. Attached hereto as Exhibit B is a true copy of the Confidential and Non-Disclosure Agreement between Litco LLC (“Litco”) and Arcanum (Asia) Limited (“Arcanum”), dated July 8, 2015 and previously marked at the deposition of Felix Sater as Exhibit 28.

4. Attached hereto as Exhibit C is a true copy of the Confidential and Common Interest Agreement between Moses & Singer, LLP and Boies Schiller & Flexner, LLP (“BSF”), dated May 18, 2016 and previously marked at the deposition of Felix Sater as Exhibit 29.

5. Attached hereto as Exhibit D is a true copy of the Kazakh Entities’ Privilege Log in this matter.

6. Attached hereto as Exhibit E is a true excerpt from the transcript of the May 3, 2017 deposition of Nurlan Nurgablyov.

7. Attached hereto as Exhibit F is a true copy of the Consulting Agreement between Felix Sater and Swiss Promotion Group, dated February 8, 2018 and previously marked at the deposition of Felix Sater as Exhibit 4.

8. Attached hereto as Exhibit G are true excerpts from the transcripts of the September 13, 2018 and February 5, 2019 depositions of Felix Sater.

9. Attached hereto as Exhibit H are true excerpts from the transcript of the December 12, 2018 deposition of Frank Monstrey.

10. Attached hereto as Exhibit I is a true copy of the Settlement Agreement and General Release between Triadou SPV SA and Felix Sater, dated December 23, 2013 and previously marked at the deposition of Felix Sater as Exhibit 14.

11. Attached hereto as Exhibit J is a true copy of a Mutual General Release given in connection with the above referenced Settlement Agreement and General Release between Triadou SPV SA and Felix Sater, dated December 23, 2013 and previously marked at the deposition of Felix Sater as Exhibit 22.

12. Attached hereto as Exhibit K is a true copy of a schedule showing payments made to Litco by BTA Bank from July 15, 2015 to February 16, 2018, which was previously marked at the deposition of Felix Sater as Exhibit 27.

13. Attached hereto as Exhibit L is a true copy of as schedule of meetings between Felix Sater and Arcanum or BSF, which was previously marked at the deposition of Felix Sater as Exhibit 30.

14. Attached hereto as Exhibit M is a true copy of the Triadou SPV SA's Notice of Third Party Subpoenas, dated October 15, 2017 and previously marked at the deposition of Felix Sater as Exhibit 1.

15. Attached hereto as Exhibit N is a true copy of the Kazakh Entities' Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), dated August 12, 2016.

16. Attached hereto as Exhibit O is a true copy of the Kazakh Entities' First Amended Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), dated August 11, 2017.

17. Attached hereto as Exhibit P is a true copy of BTA Bank's counsel's affidavit, sworn on October 14, 2017, in support of its application for a freezing order against Frank Monstrey's companies in the UK Court, which was previously marked at the deposition of Frank Monstrey as Exhibit 25.

18. Attached hereto as Exhibit Q is a true copy of the Settlement Agreement between, *inter alia*, Frank Monstrey and BTA Bank dated June 1, 2017 and previously marked at the deposition of Frank Monstrey as Exhibit 2.

19. Attached hereto as Exhibit R is a true copy of the Khrapunov Defendants' 30(b)(6) request to BTA dated March 3, 2017.

20. Attached hereto as Exhibit S are true excerpts from the transcript of the October 17, 2017 depositions of Kenes Rakishev.

Dated: New York, New York
February 22, 2019

/s/Andrew T. Solomon

Andrew T. Solomon